

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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THE BANK OF NEW YORK MELLON
FKA THE BANK OF NEW YORK, AS
SUCCESSOR TO JPMORGAN CHASE
BANK, N.A., AS TRUSTEE FOR THE
HOLDERS OF THE MLMI SURF TRUST,
MORTGAGE LOAN ASSET-BACKED
CERTIFICATES, SERIES 2005-AB1,

Plaintiffs,

v.

ELKHORN COMMUNITY ASSOCIATION;
7321 WANDERING STREET TRUST;
DOE INDIVIDUALS I-X, inclusive; and
ROE CORPORATIONS I-X, inclusive,

Defendants.

Case No. 2:15-cv-1272-APG-PAL

**ORDER GRANTING MOTION TO
DISMISS**

(Dkt. ##19, 21)

On November 20, 2015, defendant 7321 Wandering Street Trust filed a motion to dismiss this case. (Dkt. #19.) On November 30, 2015, defendant Elkhorn Community Association joined that motion. (Dkt. #21.) Plaintiff obtained two extensions of the deadline to file an opposition to the motion, the last of which expired on January 8, 2016. (Dkt. #26.) Nevertheless, plaintiff has not filed any opposition to the motion.

Local Rule 7-2(d) states that “[t]he failure of an opposing party to file points and authorities in response to any motion shall constitute a consent to the granting of the motion.” Because plaintiff has not opposed the motion to dismiss, it has consented to the granting of the motion.

IT IS HEREBY ORDERED that the motion to dismiss (Dkt. #19) is GRANTED and this case is **DISMISSED**.

Dated: February 18, 2016.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE